

AUG 10 2000

10) A process for compacting a nucleic acid for delivery to a cell, comprising:

- [a)] associating a polychelator with a nucleic acid[;
b) delivering the nucleic acid to the cell].

11) The [complex] process of claim 10 [wherein associating a polychelator] further comprising [comprises] associating a polychelator and a salt and a nucleic acid.

REMARKS

Objection to the Specification under 35 U.S.C. 101:

Claims 3-5 have been rejected under §101 for lack of support for utility. The claims have been amended to remove the "comprising" language which is believed to obviate the rejection.

Objection to the Specification under 35 U.S.C. 112:

Claims 1-11 have been rejected under §112 second paragraph for being indefinite. Claim 1 has been amended to substitute the term "polymer" for the term "compound" in the preamble. "Polymer" is then connected to the preamble as suggested in the Office Action.

An objection is noted against claims 3 and 4 for indefiniteness. The claims have been amended to obviate the rejection.

Claim 5 is stated to be indefinite on page 4 of the Action. Claim 5 has been amended to remove the "second polymer" terminology.

Claim 10 has been amended to remove step b).

Claim 11 has been amended to remove the confusing terminology "the complex."

Rejection of claims under 35 U.S.C. 102:

Claims 1, 2, and 9 are rejected under §102(e) as being anticipated by Hansen, US Pat. No. 5,851,527. Applicants have amended independent claim 1 to obviate the rejection.

Claim 1 has been amended to recite delivery of the polymer to the "inside of the cell." In contrast, the '527 patent describes binding a substrate to its conjugate with a chelator for nuclear imaging. The compound is not delivered to the inside of a cell nor is delivery to the inside of a cell contemplated.

With the amendment to claim 1 the §102 rejection to claims 1, 2, and 9 is believed to be obviated.

Rejection of claims under 35 U.S.C. 102:

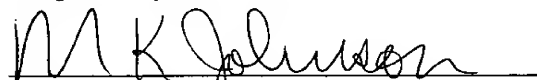
Claims 1, 2, and 6-9 are rejected under §102(e) as being obvious over Hnatowich *et al.*, US Pat. No. 5,980,861. Applicants have amended independent claim 1 to obviate the rejection.

The '861 patent describes a covalent attachment of a chelator to a polymer for the purpose of chelating radioactive isotopes. The polymer is used as a signal to direct the complex to a tumor site where the radioactive isotopes attempt to destroy the tumor. Conversely, Applicants deliver their polymer into a cell for nondestructive activity.

Claim 1 has been amended to recite delivery of the polymer to the "inside of the cell." Therefore, the §102 rejection to claims 1, 2, and 6-9 is believed to be obviated.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendments and discussion, it is submitted that claims 1-11 should be allowable and Applicants respectfully request an early notice to such effect.

Respectfully submitted,



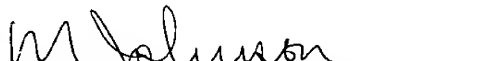
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